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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,281	09/29/2000	Andrew Brown	1662-30100 (P99-2845)	1271
7590	10/14/2003			EXAMINER BRUCKART, BENJAMIN R
Jonathan M Harris Conley Rose & Tayon PC PO Box 3267 Houston, TX 77253-3267			ART UNIT 2155	PAPER NUMBER 7
DATE MAILED: 10/14/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Pre

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/675,281	BROWN ET AL.
	Examiner	Art Unit
	Benjamin R Bruckart	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 February 2002.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

***Detailed Action***

Claims 1-28 are pending in this Office Action.

***Information Disclosure Statement***

The information disclosure statement filed on paper 4 has been considered.

***Drawings***

The formal drawings received on 2/12/02 have been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1, 8, 22, 25, 27, 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said console" in claim 1, line 8. The examiner suggests changing this to "remote management console."

Claim 8 recites the limitation "management console" in claim 8, line 3. The examiner suggests changing this to "remote management console."

Claim 22 recites the limitation "said computer system" in claim 22, line 10. The examiner suggests changing this to "managed computer system."

Claim 22 recites the limitation "said remote console" in claim 22, line 13. The examiner suggests changing this to "remote management console."

Claim 25 recites the limitation "said host computer system" in claim 25, line 2.

Claim 25 recites the limitation “said management memory” in claim 25, line 2.

Claim 27 recites the limitation “said management memory” in claim 27, line 2.

Claim 28 recites the limitation “the management memory” in claim 28, line 2.

There is insufficient antecedent basis for these limitations in the claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-10, and 14-17, 22-24, 28 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 5,974,547 by Klimenko.

Regarding claim 1, a system for managing a computer system, comprising: (Klimenko: Abstract) a host computer system; (Klimenko: col. 3, line 28; “client PC”) a management sub-system coupled locally to said host computer system, said management sub-system including a processor and memory (Klimenko: col. 3, lines 29-30; “network server”; col. 3, lines 36-39); a remote management console capable of communicating remotely with said management sub-system (Klimenko: col. 7, lines 26-27; “remote server”); wherein said management sub-system is capable of receiving an image of a bootable program from said remote console, and wherein said image is stored in the memory in said management sub-system and (Klimenko: col. 8, lines 23-28);

wherein said host computer system loads said image during its boot cycle, and executes said image as part of its boot cycle (Klimenko: col. 7, lines 47-56).

Regarding claim 2, the system of claim 1, wherein said host computer system includes a processor and a host ROM that is programmed to check the management sub-system for bootable images (Klimenko: col. 8, lines 59 - col. 9, line 11; col. 7, lines 47-56), and wherein said processor accesses said host ROM during its boot cycle (Klimenko: col. 9, lines 4-11).

Regarding claim 3, the system of claim 1, wherein said management sub-system comprises a computer card that may be installed within said host computer system (Klimenko: col. 7, lines 11-19).

Regarding claim 4, the system of claim 3, wherein said host computer system includes a system bus, and said computer card couples to said system bus (Klimenko: col. 7, lines 19-24).

Regarding claim 5, the system of claim 4, wherein said system bus comprises a PCI bus (Klimenko: col. 7, lines 19-24; col. 2, lines 61-66).

Regarding claim 6, the system of claim 1, wherein said management sub-system includes a network interface that enables said management sub-system to transmit and receive signals via a local area network (Klimenko: col. 8, lines 13-17; Fig 2A, tag 10).

Regarding claim 7, the system of claim 6, wherein said management sub-system couples to said remote management console via the local area network (Klimenko: col. 8, lines 16-23).

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Regarding claim 8, the system of claim 1, wherein said management sub-system includes a modem that enables said management sub-system to transmit and receive signals via a telephone connection, and wherein said management console also includes a modem to facilitate communications with said management sub-system (Klimenko: col. 7, lines 11-12; where a modem is inherently a network interface adapter).

Regarding claim 9, the system of claim 1, wherein the remote management console includes a console processor and peripheral drives capable of receiving storage medium (Klimenko: col. 8, lines 23-29; “associated client PC”), and wherein said console processor transfers data loaded in said peripheral drives to said management sub-system (Klimenko: col. 8, lines 23-29).

Regarding claim 10, the system of claim 9, wherein said peripheral drives include a floppy drive, and said console processor transfers floppy images to said management sub-system, and said management sub-system stores said floppy image in said memory in said management sub-system (Klimenko: col. 8, lines 23-29; and the examiner parallel’s “associated client PC” as described in col. 8, lines 60-67 as having diskette drives and floppy diskettes).

Regarding claim 14, the system of claim 10, wherein said host computer system checks the management sub system on each boot cycle to determine if a floppy image (i.e. sufficient files) is present in the management memory (Klimenko: col. 4, lines 9-14).

Regarding claim 15, the system of claim 1, wherein said remote management console includes file transfer protocol client software, and said management sub-system includes file transfer protocol server software for supporting the transfer of said image from said remote management console to said management sub-system (Klimenko: col. 7, lines 29-41; col. 8, lines 23-27).

Regarding claim 16, a system for managing a computer, comprising:

a host computer system (Klimenko: col. 3, line 27) including a processor (Klimenko: col. 8, line 80) and a bus bridge (Klimenko: col. 8, line 61), said bus bridge coupling said processor to a system bus (Klimenko: col. 8, line 61), and said system bus including at least one port for receiving a peripheral device (Klimenko: col. 2, line 64);  
a management sub-system (Klimenko: col. 3, line 27, 28; "network server") including a management processor and memory (Klimenko: col. 3, line 34), said management sub-system coupling to said system bus via said port (Klimenko: col. 3, line 29);  
a management console (Klimenko: col. 7, line 26) coupled to said management sub-system via a communications link (Klimenko: col. 8, line 17), said management console including a console processor and one or more peripheral drives (Klimenko: col. 8, lines 23-29; "associated client PC"), and wherein said management console transfers images from said peripheral drive to said management sub-system via said communications link and (Klimenko: col. 7, lines 29-41; col. 8, lines 23-27);  
wherein said management sub-system emulates a floppy drive (the examiner parallels this with a startup device), so that the computer system checks the management sub-system during each boot cycle to determine if said management sub-system includes a bootable image (Klimenko: col. 4, lines 9-14).

Regarding claim 17, the system of claim 16, wherein said one or more peripheral drives comprise one or more of a CD-ROM drive, hard drive, and a floppy drive (Klimenko: col. 8, lines 64-67; "management console is paralleled with "associated PC" that the administrator is operating from).

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Regarding claim 22, a managed computer system (Klimenko: col. 3, line 27) capable of being controlled by a remote management console (Klimenko: col. 7, lines 22-27), said managed computer system comprising:

a host processor; (Klimenko: col. 8, line 60)

a system bus coupled to said processor by a bus bridge; (Klimenko: col. 8, line 60-62)

a system memory coupled to said processor; (Klimenko: col. 8, line 60-62)

a management sub-system (Klimenko: col. 3, line 27, 28) coupled to said system bus (Klimenko: col. 7, lines 19-22), said management sub-system including: (Klimenko: col. 3, line 29; col. 8, 16-21)

a management processor; (Klimenko: col. 3, lines 34, 35)

a memory coupled to said management processor for storing software and data;

(Klimenko: col. 3, lines 33, 34; col. 4, lines 12-14)

a network interface for coupling said computer system to said remote management console via a communications link; (Klimenko: col. 8, lines 13-19)

wherein said management sub-system is capable of receiving an image of a bootable program from said remote console (Klimenko: col. 8, lines 23-33), and wherein said image is stored in the memory in said management sub-system; and (Klimenko: col. 8, lines 23-33)

wherein said host processor loads said image during its boot cycle, and executes said image as part of its boot cycle (Klimenko: col. 7, lines 47-56).

Regarding claim 23, the system of claim 22, wherein said managed computer system includes a host ROM coupled to said host processor, and wherein said processor accesses said host ROM during its boot cycle. (Klimenko: col. 8, lines 59 - col. 9, line 11; col. 7, lines 47-56)

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Regarding claim 24, the system of claim 22, wherein said management sub-system comprises a computer card installed within said managed computer system. (Klimenko: col. 7, lines 11-19)

Regarding claim 28, the system of claim 22, wherein said host processor checks the management sub-system on each boot cycle to determine if a bootable image is present in the management memory. (Klimenko: col. 4, lines 9-14)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13, 18-21, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,974,547 by Klimenko in view of U.S. Patent No. 6,202,091 by Godse.

The Klimenko reference teaches an apparatus that allows for remote control of a server, which stores images for a client to access upon boot up. The Klimenko reference does not utilize a flag that prevents the updating of the image from the server in case of no updating.

The Godse reference teaches with regards to claim 11, the system of claim 10, wherein said management processor transmits a control signal to said host computer system when a floppy image is stored in said management memory (Godse: col. 6, lines 27-31), and wherein said control signal sets a flag in said host computer system. (Godse: col. 6, lines 32-35; the policy file)

The Godse reference further teaches that the improved method for booting a computer allows greater flexibility and permits the computer to selectively boot from either non-volatile memory or from a remote location in case of a crash locally or remotely. (Godse: col. 1, lines 35-55)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to create an apparatus that allows for remote control of a server that stores images for a client to access upon boot up as taught by Klimenko while incorporating a flag for customizing boot selection as taught by Godse in order to improve the method of booting a computer and allow for greater flexibility from selective boot choices. (Godse: col.1, lines 35-55)

Claims 12 and 13 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of the Klimenko and Godse.

Regarding claim 12, the system of claim 11, wherein said host computer system checks the status of said flag during each boot cycle. (Godse: col. 2, line 65 - col. 3, line 8)

Regarding claim 13, the system of claim 12, wherein said host computer system executes the floppy image during its boot cycle if said flag is set. (Godse: col. 3, lines 25-35)

The Klimenko reference teaches an apparatus that allows for remote control of a server, which stores images for a client to access upon boot up. The Klimenko reference does not explicitly state signaling the client when an image is present.

The Godse reference teaches with regards to claim 18, (the system of claim 17,) wherein said management processor transmits a control signal to said host computer system when a bootable image is received from said management console. (Godse: col. 6, lines 27-31)

The Godse reference further teaches that the improved method for booting a computer allows greater flexibility and permits the computer to selectively boot from either non-volatile memory or from a remote location in case of a crash locally or remotely. (Godse: col. 1, lines 35-55)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to create an apparatus that allows for remote control of a server that stores images for a client to access upon boot up as taught by Klimenko while incorporating a signal for showing an update as taught by Godse in order to improve the method of booting a computer and allow for greater flexibility from selective boot choices. (Godse: col.1, lines 35-55)

Claims 19-21 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Klimenko and Godse.

Regarding claim 19, the system of claim 18, wherein said management sub-system further comprises a network interface that couples to a local area network. (Klimenko: col. 8, lines 13-17; Fig 2A, tag 10)

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Regarding claim 20, the system of claim 19, wherein said local area network couples to said management console via a telephone line. (Klimenko: col. 8, lines 16, 17; telephone line is inherently a link for network connections)

Regarding claim 21, the system of claim 20, wherein said local area network couples to said management console via the Internet. (Klimenko: col. 8, lines 16-19; where the internet is inherently a network)

Regarding claim 25, the Klimenko reference teaches an apparatus that allows for remote control of a server, which stores images for a client to access upon boot up. The Klimenko reference does not explicitly state signaling the client when an image is present.

The Godse reference teaches, (the system of claim 22,) wherein said management processor transmits a control signal to said host computer system when a bootable image is stored in said management memory (Godse: col. 6, lines 27-31), and wherein said control signal sets a flag in said host computer system. (Godse: col. 6, lines 32-35; the policy file)

The Godse reference further teaches that the improved method for booting a computer allows greater flexibility and permits the computer to selectively boot from either non-volatile memory or from a remote location in case of a crash locally or remotely. (Godse: col. 1, lines 35-55)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to create an apparatus that allows for remote control of a server that stores images for a client to access upon boot up as taught by Klimenko while incorporating a signal for showing an

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update as taught by Godse in order to improve the method of booting a computer and allow for greater flexibility from selective boot choices. (Godse: col. 1, lines 35-55)

Claims 26 and 27 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Klimenko and Godse.

Regarding claim 26, the system of claim 25, wherein said host computer system checks the status of said flag during each boot cycle. (Godse: col. 2, line 65 - col. 3, line 8)

Regarding claim 27, the system of claim 26, wherein said host processor executes the bootable image stored in said management memory during its boot cycle if said flag is set. (Godse: col. 3, lines 25-35)

*Prior Art*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,021,331 by Cooper et al.

U.S. Patent No. 6,334,149 by Davis et al.

U.S. Patent No. 6,223,284 by Novoa et al.

U.S. Patent No. 6,240,166 by Collin et al.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Benjamin R Bruckart  
Examiner  
Art Unit 2155

brb (46)  
Sept. 23, 2003



FRANTZ B. JEAN  
PRIMARY EXAMINER